

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

ILLINOIS POWER COMPANY d/b/a ) DOCKET NO.  
AmerenIP ) 08-0291  
and )  
AMEREN ILLINOIS TRANSMISSION )  
COMPANY )  
Petition for an Order pursuant to )  
Section 8-509 of the Public )  
Utilities Act approving )  
Petitioners' use of eminent domain )  
power. )

Springfield, Illinois  
Friday, January 9, 2009

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. ALBERT STURTEVANT  
JONES DAY  
77 West Wacker  
Chicago, Illinois 60601  
Ph. (312) 269-4094

(Appearing on behalf of  
Petitioners via teleconference)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
Ln. #084-002710

1 APPEARANCES: (Continued)

2 MS. LINDA M. BUELL  
3 Office of General Counsel  
4 527 East Capitol Avenue  
5 Springfield, Illinois 62701  
6 Ph. (217) 557-1142

7 (Appearing on behalf of Staff of  
8 the Illinois Commerce  
9 Commission)

10

11

12

13

14

15

16

17

18

19

20

21

22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
17  
18  
19  
20  
21  
22

I N D E X

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None .

EXHIBITS

MARKED

ADMITTED

None .

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

8                                   At this time would the parties please  
9   enter your respective appearances orally for the  
10 record, first on behalf of the Petitioners?

14 JUDGE JONES: Thank you. Commission Staff?

19 JUDGE JONES: Thank you. Are there any other  
20 appearances? Let the record show there are not.

21  
22

1 witnesses with prefiled testimony. Does Staff have  
2 any cross of those witnesses?

3 MS. BUELL: Your Honor, as you may be aware,  
4 Staff filed a petition for interlocutory review this  
5 morning. And Staff won't know until the Commission  
6 acts on that petition whether or not it will have  
7 cross examination for Ameren witnesses.

8 JUDGE JONES: You will need to indicate today  
9 whether you want to reserve cross for those witnesses  
10 or not. We are not going to wait until after action  
11 on the Commission IR request before doing any further  
12 scheduling in this docket.

13 MS. BUELL: Well then, yes, Your Honor, Staff  
14 would like to reserve time to cross-examine Ameren's  
15 witnesses.

16 JUDGE JONES: Mr. Sturtevant, do you have any  
17 proposed cross examination date for that?

18 MR. STURTEVANT: I am surveying my calendar,  
19 Your Honor.

20 Your Honor, I guess I would probably  
21 propose a date perhaps of the first week of February.  
22 I would prefer to propose a date sooner, but I am not

1     sure about witness availability. I suppose the  
2     possibility would be to schedule either cross  
3     examination for late next week or perhaps the week of  
4     January 26. But that would have to be contingent  
5     upon checking the witnesses' schedule and also  
6     contingent upon, obviously, Staff's estimates of  
7     who -- indicate who they were going to cross, their  
8     estimates of how much time.

9             JUDGE JONES: All right. That was late next  
10    week or what was the other date in there?

11            MR. STURTEVANT: The week of January 26 or the  
12    following week of February 2.

13                    I would note, Your Honor, that the --  
14    perhaps this is the solution, that the hearing,  
15    evidentiary hearing, for Docket 08-0449 which is sort  
16    of the companion case to this one is scheduled for  
17    February 4. That involves the same witnesses. I am  
18    just thinking out loud, but I believe the witnesses  
19    all were available for that hearing date. You know,  
20    perhaps it makes sense to schedule the evidentiary  
21    hearing for this in conjunction with that one as  
22    well.

1 MS. BUELL: Actually, Bert, I think we had set  
2 aside both February 4 and February 5 for the  
3 evidentiary hearings in 08-0449.

4 MR. STURTEVANT: I think that's right.

5 I guess I would just add, Your Honor,  
6 again as I said before, we would prefer to move  
7 forward expeditiously on this. But if Staff is going  
8 to have cross, in terms of getting the witnesses  
9 present perhaps that February 4 and 5 date is going  
10 to make the most sense.

11 JUDGE JONES: Just for clarification,  
12 Mr. Sturtevant, are you suggesting you be given an  
13 opportunity to check an earlier date with your  
14 witnesses or are you suggesting that the hearing be  
15 set for February 4?

16 MR. STURTEVANT: I think as a practical matter,  
17 Your Honor, it may make more sense to set it for  
18 February 4.

19 JUDGE JONES: Thank you. Ms. Buell, does Staff  
20 have any objection to that particular date?

21 MS. BUELL: Well, Your Honor, to the extent  
22 that testimony may be admitted into the record or

1 cross examination may be had on testimony that is  
2 later stricken by the Commission, yes, Staff would  
3 have objection to it.

4 JUDGE JONES: Do you have any other objections  
5 besides those?

6 MS. BUELL: Staff is available on that date,  
7 Your Honor.

8 JUDGE JONES: All right. At the conclusion of  
9 today's status hearing, the matter will be set for a  
10 hearing date for cross examination of the Ameren  
11 witnesses, if there is cross examination of those  
12 witnesses, on February 4 at 10:00 a.m.

13 To the extent there is cross  
14 examination on that date, the sequence to be used on  
15 that date with respect to -0449 versus -0291 will be  
16 worked out in advance or at that time.

17 And I would note for the record that  
18 under the Commission's rules only in extraordinary  
19 circumstances shall an interlocutory review request  
20 suspend a hearing, and I do not see how the Staff's  
21 request for not setting a hearing for that purpose  
22 meets the extraordinary circumstances test set out in



1     the Commission's rules of practice. Hence, we will  
2     proceed with the scheduling as outlined above.

3                     Do the parties have anything else for  
4     the purposes of today's status hearing?

5             MR. STURTEVANT: Your Honor, I would just like  
6     to make the request of Staff, if I might, that to the  
7     extent that they are going to have cross examination,  
8     if they could let me know as soon as practical so  
9     that I can determine which witnesses will or won't  
10    have to travel to Springfield for that date, I would  
11    greatly appreciate it.

12            MS. BUELL: Staff has no objection to that.  
13     Staff will just need some time to review the  
14     testimony in order to make that determination.

15            JUDGE JONES: All right. Anything further on  
16     that?

17            MS. BUELL: Not on that, Your Honor. Staff was  
18     wondering what the procedure is going to be regarding  
19     Ameren's motion for a protective order. Responses  
20     and replies were filed, but there was never a ruling  
21     on that.

22            JUDGE JONES: A ruling on that will be issued.

1 Is that something Staff needs to know in anticipation  
2 of cross examination?

3 MS. BUELL: I don't think so, Your Honor.

4 JUDGE JONES: Anything else? All right. At  
5 this time let the record show that today's status  
6 hearing is over. In accordance with the  
7 above-referenced discussion and ruling, this matter  
8 is continued to an evidentiary hearing date of  
9 February 4 at 10:00 a.m. Thank you.

10 (Whereupon the hearing in this  
11 matter was continued until  
12 February 4, 2009, at 10:00 a.m.  
13 in Springfield, Illinois.)  
14  
15  
16  
17  
18  
19  
20  
21  
22